

Date: Wed, 21 Oct 2009 10:16:35 -0400

Subject: Testimony

From: repcalley@gmail.com

To: jujuemmons@hotmail.com

Thank you to the Chair and the Committee for agreeing to take up HB 5514. I appreciate that you have made room on the committee docket for this important legislation.

In mid September, I received a letter from a constituent who was concerned about the way the application of Daycare License Laws were affecting her family.

This working mother needed to leave for work before the school bus picked up her children. Thankfully, this constituent is good friends with a stay-at-home mom, who's house is located at the neighborhood bus stop. It worked out well for her to leave her kids with this friend for a little while each day until the bus came. There has never been any compensation given for this favor. These mothers are good friends and so are their kids. They spend time together after school and on the weekends too. There are two other mothers in the immediate area that similarly make use of this arrangement.

Not long after the start of the school year began, a complaint was made that an illegal daycare operation was being run. The Department of Human Services opened a case and sent a letter, as is standard practice. It is this letter that lead to my constituent contacting me. Upon calling the Department, they were told that the practice described above required a daycare license, if it were to continue for more than four weeks. My communication with the Department yielded the same answer.

I began work on this legislation immediately upon understanding the current application of this law. Never in my three years in the legislature have I received such interest and support on legislation.

The changes proposed in this legislation are aimed at clarifying the law. The purpose of PA 116 of 1973 is to "provide for the protection of children." My intent is continue that mission while preventing the interruption of good neighborly acts. I am pleased that Representative Huckleberry, who has also worked on this area of law, has teamed together with me to find a consensus solution.

I understand and appreciate that the department is still looking for some additional clarification, particularly of the words "vocation" and "temporarily" as they are used in this proposal. I am committed to working with them over the next few days to establish a clear law for the Department and citizens, without losing the purpose.

My intent is to exempt casual babysitting that is not part of running a daycare business. Everyone on this committee knows what that means, but describing it in legislation is a challenge. Where does one draw the line?

Because of their work on similar legislation, I know that the Department is supportive of exempting childcare wherein no compensation changes hands. However, I also wish to avoid any unintended consequences. For example, I do not wish to outlaw teenage babysitters, even when compensation is received. Or stop a friend from church who watches kids for a few hours while their mother goes to a bible study once a week - even if that mother insists on paying that church friend for the trouble. Both Representative

Huckleberry and the Department have some good ideas of how to establish this definition and I look forward to working with them on final consensus language.

Thank you for your consideration.

Brian Calley  
State Representative  
DIstrict 87

Hotmail: Powerful Free email with security by Microsoft. [Get it now.](#)